



MS PETITION
Docket No.: 2091-0245P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kazuo SHIOTA et al.

Application No.: 09/954,964

Confirmation No.: 9017

Filed: September 19, 2001

Art Unit: 3696

For: NETWORK PHOTOGRAPH SERVICE
SYSTEM

Examiner: D. S. Felten

PETITION TO WITHDRAW ABANDONMENT
SINCE REPLY WAS TIMELY FILED

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Abandonment mailed July 28, 2008, which issued in connection with the above-identified application, this is a Petition to withdraw the "abandonment status" of the present application, since a Reply was timely filed on July 14, 2008.

1. EVIDENCE

As evidence of the fact that a Reply was timely filed, enclosed herewith are the following:

- a copy of the Reply filed July 14, 2008; and
- a copy of the postcard receipt which was date-stamped on July 14, 2008.

2. TERMINAL DISCLAIMER

☒ The present application was filed on or after May 29, 2000. Accordingly, no Terminal Disclaimer is necessary. It is noted that the present Petition is being timely filed within two (2) months of the mailing date of the Notice of Abandonment. Accordingly, no reduction in patent term adjustment should be made, in accordance with the provisions of 37 C.F.R. § 1.704(c)(4).

☐ The present application was filed on or after June 8, 1995 but before May 29, 2000. The present Petition is being timely filed within two (2) months of the mailing date of the Notice of Abandonment. Accordingly, no Terminal Disclaimer under 37 C.F.R. § 1.321(a) is necessary. See MPEP § 711.03(c).

☐ The present application was filed on or after June 8, 1995 but before May 29, 2000. The present Petition is being filed more than two (2) months from the mailing date of the Notice of Abandonment. Accordingly, a Terminal Disclaimer under 37 C.F.R. § 1.321(a) and the required fee set forth in 37 CFR 1.20(d) are being submitted concurrently herewith. The period being disclaimed is equivalent to the period between (1) the date that is two months after the mail date of the notice of abandonment and (2) the filing date of the present petition to withdraw the holding of abandonment. See MPEP § 711.03(c).

It is requested that the abandonment status of the present application be immediately removed so that prosecution may resume with full consideration and entry into the record of the timely filed Reply.

If the U.S. Patent Examiner has any questions regarding the above matters, please contact Applicants' representative, D. Richard Anderson, at the phone number listed below.

It is submitted that no fees are required for filing this Petition, since the error occurred because of a mistake on the part of the U.S. Patent and Trademark Office.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: September 12, 2008

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'D. Richard Anderson', written over a horizontal line.

D. Richard Anderson

Registration No.: 40,439

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Attachments: Copy of Reply
Copy of Postcard Receipt

Inventor: Kazuo SHIOTA et al.

Atty Docket No.: 2091-0245P

Application No.: 09/954,964-Conf. #9017

Filing Date: September 19, 2001

Title: NETWORK PHOTOGRAPH SERVICE SYSTEM

Documents Filed:

Fee Transmittal (1 page)

Five Month Request for Extension of Time Under 37 CFR 1.136(a) (1 page)

Reply to Restriction Requirement (3 pages)

Charge \$2,230.00 to deposit account 02-2448



Via: BSKB COURIER

Sender's Initials: DRAVd

Due Date: July 14, 2008

Date: July 14, 2008